

901 KAR 5:090. Burial and disinterment of dead bodies.

RELATES TO: KRS Chapter 213

STATUTORY AUTHORITY: KRS 194.050, 211.090, 213.076

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 213, relating to vital statistics, authorizes the Cabinet for Human Resources to regulate the disposal, and disinterment of dead bodies. The purpose of this administrative regulation is to establish uniform requirements for the interment, disinterment and reburial of dead bodies in Kentucky.

Section 1. Interment. (1) Where the disposition of the body is by burial and the outer container for the body is made of concrete, metal, fiber glass, or other impervious material and it is hermetically sealed, all parts of such container shall be buried to a depth of at least two (2) feet below the level of the natural surface of the ground. All other burials shall be at least three (3) feet below the level of the natural surface of the ground measured from all parts of the outer container.

(2) Where impenetrable rock is encountered the local health department may, upon proper application, grant a variance to the depth of burial requirements of this administrative regulation.

(3) The depth of burial requirements of this administrative regulation do not apply where interment is in a mausoleum.

Section 2. Disinterment. (1) When one (1) or more bodies are to be disinterred for reburial in the same cemetery, a disinterment-reinterment permit shall be procured upon proper application from the local registrar.

(2) When one (1) or more bodies are to be disinterred for reburial in a different cemetery or for other disposal, an application for a disinterment-reinterment permit shall be made to the State Registrar of Vital Statistics. The application shall contain the following information:

(a) Name of deceased, if known;

(b) Date of death;

(c) Original grave site;

(d) Proposed grave site;

(e) Approximate date of removal;

(f) Name of the person or firm who will remove the body or bodies;

(g) A statement by the applicant that he has obtained written permission from all members of the same class of the next-of-kin or an order from a court of competent jurisdiction for the removal of the remains; and

(h) A statement by the applicant that he is familiar with and will abide by all applicable laws and administrative regulations relating to the establishment and abandonment of cemeteries and the custody, handling, and disposal of human remains.

Section 3. Reburial. (1) All disinterred human remains intended for reburial, and all other contents of the grave, shall be enclosed in a container constructed of strong material and of sufficient size to hold the remains without altering their shape or size. If the human remains are not thoroughly decomposed, the container shall be sealed to prevent the escape of liquids or gas.

(2) The depth of burial requirements of Section 1 of this administrative regulation shall apply to all reburials except that human remains which are thoroughly decomposed need be reburied only to such a depth so that no part of the container is less than two (2) feet below the natural surface of the ground. (VS 2-1; 1 Ky.R. 1270; eff. 7-2-1975; 16 Ky.R. 933; eff. 1-12-1990; 20 Ky.R. 656; 970; eff. 10-21-1993; Crt eff. 4-5-2019.)